



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/791,476

03/01/2004

Andrew Scott Gavin

PA2729US

2088

22830

7590

10/24/2006

CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO, CA 94303

EXAMINER

KARKHANIS, AASHISH

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,476	GAVIN ET AL.	
	Examiner	Art Unit	
	Aashish Karkhanis	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 7, 10, 12 – 16 and 20 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al. (U.S. Patent 6,139,433).

Regarding Claims 1 – 3, 6, 10, and 12 – 15, Miyamoto discloses a method for providing game information to a user including monitoring a state of a character in a game environment, and presenting game information to the user based on the state of the character within a context of the game environment without using indicators extraneous to the same environment by visually changing the state of the character through its position, defining a new action for the character, and modifying a direction of orientation of a head of the character within a range of motion appropriate to the character, all of which physically modify the character, and may modify a component of the character not controllable by the user, wherein the modification of the character includes a visual modification of an aspect of the character not controlled by the user, (col. 3, lines 50 – 67; where a game character reacts to environmental factors visually, such as tilting its head and coughing in the presence of noxious gas, which is a non-player controlled action that gives visual information about the character's environment, modifies the character's position by animating a coughing sequence, and defines a new

Art Unit: 3714

action for the character based on environmental input) (col. 39, lines 15 – 19; where a character's head may also be turned within a game environment from directly behind a player controlled camera to show the character's view to a player), wherein the game information provided through the visual modification of the character does not obstruct a view of the game environment, and wherein the game information provided through the visual modification of the character is associated with an objective to be accomplished in a game (col. 45, lines. 10 – 17; where a character with a power level below a certain threshold can be shown to pant and act tired, in relation to a prime game objective of keeping a character alive during a game, as is notoriously well known and established in the art).

Regarding Claim 7, Miyamoto discloses presenting audio information (col. 45, lines 6 – 9; where coughing audio is included in a coughing animation sequence).

Regarding Claims 20 – 21, Miyamoto discloses an computer-readable medium having embodied thereon a program (col. 13, lines 63 – 67; where a game cartridge is an electronic-readable game medium storing a game program) executable by a machine to perform a method for providing game information to a user (col. 14, lines 52 – 65; where a processor is used to execute a game program contained on a connected cartridge) including monitoring a state of a character in a game environment and presenting game information to the user based on the state of the character within a context of the game environment without using indicators extraneous to-the game environment (col. 3, lines 50 – 67; where a game character reacts to environmental

Art Unit: 3714

factors visually, and where the character's physical reaction to its environment relays information to a player without extraneous indicators).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 – 9, 11 and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto as applied to the claims above in view of Best (U.S. Patent 5,358,259).

Regarding Claims 8 – 9 and 11, Miyamoto discloses presenting audio information to the user by initiating playback of audio signals (col. 3, lines 50 – 67; where a game character reacts to environmental factors audibly, such as tilting its head and coughing in the presence of noxious gas) and through the interactions of a game character in a game environment and interactions of a player character with other characters (col. 28, lines 5 – 8), but does not disclose a character exchanging statements with another character who is present throughout the game environment. However, Best teaches a game where audio information is presented to player as statements by another character in the game environment who is a companion to the character that is present with the character throughout the game environment (col. 3, lines 15 – 21; where human players may interact conversationally with characters in a game environment who are inherently present with the player throughout the game environment while a

player is interacting with a character). This creates a more immersive and natural game environment for a player. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game environment of Miyamoto where a player character interacts with other characters with the audio conversation method of player and character interaction as taught by Best in order to create a more immersive and natural game environment for a player.

Regarding Claims 17 – 19, Miyamoto discloses an audio information module configured to monitor a state of the character in the game environment and to select an appropriate audio signal of the audio signals based on the state, where state of the character in the game environment is a position of the character, or an action of the character (col. 3, lines 50 – 67; where a game character reacts to environmental factors audibly, such as tilting its head and coughing in the presence of noxious gas, which is a non-player controlled action that gives audible information about the character's environment, modifies the character's position by animating a coughing sequence, and defines a new action for the character based on environmental input).

Response to Arguments

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicant maintains that the claimed invention distinguishes over Miyamoto because Miyamoto discloses normal game interactions whereas the claimed invention discloses displaying "objective-based game information to a game player." This argument is not commensurate with the scope of the claims. The claims do not mention objective-based game information at all. Furthermore, the examiner respectfully

Art Unit: 3714

submits that Miyamoto does teach displaying objective-based game information to a game player.

Miyamoto discloses that a character's interactions are to be made more realistic in a game environment, and also that because of these realistic interactions; relevant game information is provided to a player. In addition to character actions such as jumping and kicking as cited by the Applicant, the examiner again notes that additional character actions such as coughing with toxic gas nearby and panting when energy is low, as disclosed above, provide relevant game information that is directly related to game objectives. In fact, those specific actions are directly related to one of the most important objectives in a game, preserving a life meter to be able to continue on in a game or prevent penalty later in a game.

Applicant further maintains that the claimed invention distinguishes over Miyamoto because Miyamoto does not disclose presenting "game information to a game player without cluttering the screen with numerous indicators." However, the Applicant's claim language only states (from exemplary claim 1):

presenting game information to the user based on the state of the character in the game environment, the game information being presented to the user as a modification of the character within a context of the game environment and without using indicators extraneous to the game environment.

In fact, Miyamoto does disclose game information according to all of the limitations of the cited claim. It is not relevant that other game information that is not shown as a

Art Unit: 3714

modification of the character is also available, because the claim language simply states "game information." The examiner interprets this in the broadest reasonable sense as any or some available game information, not all game information. Game information is disclosed in Miyamoto according to Applicant's claimed invention.

Therefore, for the reasons given above, the rejection of claims 1 – 3 and 6 – 21 stands.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone

Art Unit: 3714

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or checkmark.

**CORBETT B. COBURN
PRIMARY EXAMINER**